

**KLESTADT WINTERS JURELLER
SOUTHARD & STEVENS, LLP**
200 West 41st Street, 17th Floor
New York, NY 10036
Telephone: (212) 972-3000
Facsimile: (212) 972-2245
Fred Stevens
Stephanie R. Sweeney

Hearing Date: January 20, 2022
Hearing Time: 10:00 a.m. (EST)
Objection Deadline: January 13, 2022
at 5:00 p.m. (EST)

*Counsel to Gregory M. Messer, Chapter 7
Trustee*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
In re :
: Chapter 7
JEFFREY WINICK, :
: Case No. 20-11976 (SHL)
Debtor. :
-----X

**NOTICE OF HEARING ON (I) BROKER/MARKETING AGENT MALTZ AUCTIONS,
INC.'S APPLICATION FOR COMPENSATION WITH RESPECT TO
THE SALE OF DEBTOR'S DIRECT AND INDIRECT INTERESTS IN WINICK
REALTY GROUP, LLC; AND (II) CHAPTER 7 TRUSTEE'S APPLICATION FOR AN
ORDER, PURSUANT TO FED. R. BANKR. P. 2004, AUTHORIZING THE TRUSTEE
TO EXAMINE PARTIES IN CONNECTION WITH THE DEBTOR'S TRANSFER OF
AN INTEREST IN SDSDR111 LLC**

**TO COUNSEL TO THE DEBTOR, UNITED STATES TRUSTEE, ALL CREDITORS AND
PARTIES IN INTEREST IN THE DEBTOR'S CASE, EXAMINEES, AND ALL PARTIES
HAVING FILED A NOTICE OF APPEARANCE IN THE DEBTOR'S CASE:**

PLEASE TAKE NOTICE that a hearing (the “Hearing”) on (I) Broker/Marketing Agent Maltz Auctions, Inc.’s Application for Compensation for the Sale of Debtor’s Interest in and to a Direct and Indirect 63% Interest in Winick Realty Group, LLC [Dkt. No. 87] (the “Fee Application”) and (II) the Chapter 7 Trustee’s Application for an Order, Pursuant to Fed. R. Bankr. P. 2004, Authorizing the Trustee to Examine David Berley, SDSDR111 LLC, SDS Investments, LLC, SDS Investments II LLC, Donajem Holdings, LLC, Victor A. Duva, S. Lawrence Davis, Ricardo Beausoleil, and Joseph K. Winrich (collectively, the “Examinees”) in Connection with the Debtor’s Transfer of an Interest in SDSDR111 LLC [Dkt. No. 88] (the “2004 Application” and, together with the Fee Application, the “Applications”), will be held on **January 20, 2022 at 10:00 a.m.**, or as soon thereafter as counsel may be heard, before the Honorable Sean H. Lane, United States Bankruptcy Judge, in the United States Bankruptcy Court, Southern District of New York, located at One Bowling Green, New York, New York 10004.

PLEASE TAKE FURTHER NOTICE that the Hearing shall take place using Zoom for Government. If you wish to appear at the Hearing, you must register your appearance by 4:00 p.m. the day prior to the Hearing utilizing the eCourt Appearances portal (<https://www.nysb.uscourts.gov/ecourt-appearances>) located on the Court's website.

PLEASE TAKE FURTHER NOTICE that objections, if any, to the relief requested in the Motion, must (a) be in writing, (b) conform to the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules for the Southern District of New York, (c) be filed with the Bankruptcy Court in accordance with General Order M-242 (as amended), electronically by registered users of the Bankruptcy Court's case filing system and, by all other parties in interest, by mail to the Clerk of the United States Bankruptcy Court, Southern District of New York, One Bowling Green, New York, New York 0004-1408, on a 3.5 inch disk (preferably in Portable Document Format (PDF), WordPerfect, or any other Windows' based word-processing format), (d) be submitted in hard-copy form directly to the chambers of the Honorable Sean H. Lane, United States Bankruptcy Judge, and (e) be served upon (i) Klestadt Winters Jureller Southard & Stevens, LLP, 200 West 41st Street, 17th Floor, New York, New York 10036, Attn: Fred Stevens (fstevens@klestadt.com); (ii) the Office of the United States Trustee for the Southern District of New York, U.S. Federal Office Building, 201 Varick Street, Room 1006, New York, New York 10014; and (iii) those parties that have requested notice in accordance with Rule 2002 of the Federal Rules of Bankruptcy Procedure no later than **5:00 p.m. on January 13, 2022 (the "Objection Deadline")**.

PLEASE TAKE FURTHER NOTICE that only those objections received by the Objection Deadline will be considered by the Court at the Hearing. If no objections are timely filed and served in accordance with the procedures set forth herein, the Bankruptcy Court may enter an order approving the Applications without further notice.

PLEASE TAKE FURTHER NOTICE that the Applications have been filed electronically with the Clerk of the United States Bankruptcy Court for the Southern District of New York and may be reviewed by all registered users of the Court's website at www.nysb.uscourts.gov.

PLEASE TAKE FURTHER NOTICE, that the Hearing may be adjourned from time to time without notice to any creditor or other party in interest other than by announcement of the adjourned date in open court on the date of the Hearing.

Dated: New York, New York
December 22, 2021

**KLESTADT WINTERS JURELLER
SOUTHARD & STEVENS, LLP**

By: /s/ Stephanie R. Sweeney
Fred Stevens
Stephanie R. Sweeney
200 West 41st Street, 7th Floor
New York, New York 10036
Tel: (212) 972-3000
Fax: (212) 972-2245
Email: fstevens@klestadt.com
ssweeney@klestadt.com

*Counsel to Gregory M. Messer, the Chapter 7
Trustee*